

REMARKS

In response to the Notice of Non-Compliant Response in the Office Action dated April 26, 2005, Applicants have updated the status identifier of the non-elected claims i.e. claims 1-6; 19-20 and 25 to withdrawn. This election and response is a substitute and replaces the response filed on March 9, 2005.

In response to the restriction requirement under 35 U.S.C. § 121 in the Office Action dated February 9, 2005, Applicants elect for continued prosecution of the Group II claims (i.e., claims 7-18 and 21-24) drawn to a method and system for receiving content data over a computer network. Thus, Applicant requests examination of Claims 7-18 and 21-24.

In response to the restriction requirement under 35 U.S.C. § 121, Applicants elect for continued prosecution of the Group II claims (i.e., claims 7-18 and 21-24) drawn to a method and system for receiving content data over a computer network. Thus, Applicant requests examination of Claims 7-18 and 21-24.

Additionally, Applicants traverse the restriction requirement with respect to claims 1-6, 19, 20, and 25 in Group I. The claims of the elected Group II (i.e., Claims 7-18 and 21-24) as the Examiner correctly states on page 2 of the Restriction Requirement are drawn to a method and system for receiving content data over a computer and is usable with the claims of Group I. However, both groups of the claims i.e. Group I and Group II are drawn to downloading both (i) unprotected data i.e. promotional data as well as (ii) protected data i.e. content data. The independent claims in both of these groups recite promotional data and encrypted content data. Turning to independent claims 1 and 7 as an example (emphasis added):

Claim1

encrypting content data using a first encrypting key to form encrypted content data, wherein the first encrypting key is a symmetric key with a corresponding first decrypting key; [...]

broadcasting promotional metadata related to at least part of the encrypted content data on a first web broadcast channel for reception by at least one user's system;

Claim 7

receiving promotional metadata from a first web broadcast channel, the promotional metadata related to encrypted content data; [...]

retrieving the encrypted content data from a user's system via a second channel, the encrypted content data selected from the promotional metadata, and wherein the encrypted content data has been previously encrypted using a first encrypting key, wherein the first encrypting key is a symmetric key with a corresponding first decrypting key, wherein the second channel is selected from the group consisting of a telecommunications network, a broadcast transmission, and a computer removable storage medium;

Accordingly, the Applicants respectfully disagree with the Examiner's unsupported characterization that only the claims in Group II have a "*separate utility such as downloading unprotected data.*" See MPEP §806.05. Rather the claims in Group I are from the point of view of the overall system whereas the point of view of the claims of Group II are from the client computer (i.e. the user's computer) perspective. However, the limitations regarding the transfer of both unprotected and encrypted data using multiple keys (first key, second key, user system key) with a trusted third party are the same. Therefore, Applicants respectfully request reconsideration of the restriction requirement with respect to claims 1-6, 19, 20, and 25 and modification of the restriction requirement to include these claims in the elected Group II.

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In view of the foregoing, it is respectfully submitted that the application and the claims are in condition for allowance. Reexamination and reconsideration of the application, as amended, is requested.

The Examiner is respectfully requested to direct future correspondence regarding this application to the undersigned attorney at the address below.

PLEASE CALL the undersigned attorney at (561) 989-9811 should the Examiner believe a telephone interview would help advance prosecution of the application.

Respectfully submitted,

Date: May 10, 2005

By: 

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